

**Minutes of the  
Tobacco Education and Research Oversight Committee (TEROC)**

Meeting on April 10, 2013

Webinar

Public meeting locations held in:

Sacramento, Los Angeles, San Francisco, Contra Costa, San Luis Obispo, San  
Diego

**MEMBERS PRESENT:**

Ms. Denise Adams-Simms, Dr. Lourdes Baezconde-Garbanati, Ms. Pat S. Etem,  
Dr. Lawrence Green, Dr. Alan Henderson (Vice Chair), Dr. Pamela Ling, Dr.  
Michael Ong (Chair), Mr. Myron Dean Quon, Dr. Dorothy Rice, Dr. Shu-Hong  
Zhu

**MEMBERS ABSENT:**

Dr. Wendel Brunner, Ms. Peggy Uyeda,

**OTHERS IN ATTENDANCE:**

Kimberly Amazeen, American Lung Association (ALA)  
Dr. Bart Aoki, Tobacco Related Disease Research Program (TRDRP)  
Dr. Phillip Gardiner, TRDRP  
Tom Herman, California Department of Education (CDE)  
Dr. Steve Hansen, San Luis Obispo County – Tobacco Control Coalition  
Norval Hickman, California Youth Advocacy Network (CYAN)  
Jonathan Isler, California Tobacco Control Program (CTCP)  
Father Jack Kearney, California Association for Alcohol and Drug Educators  
John Lagomarsino, CDE/Coordinated School Health and Safety Office (CSHSO)  
Chris LaPalma, Member of the Public  
Christian Lozano, University of California, San Diego (UCSD)  
Linda Lee, CTCP  
Thea Perrino, CTCP  
Valerie Quinn, CTCP  
Zoila Reyna, CTCP  
April Roeseler, CTCP  
Alexandria Simpson, CTCP  
Greg Wolfe, CDE/CSHSO

**1. WELCOME, INTRODUCTION, AND OPENING COMMENTS**

TEROC Chair, Dr. Ong, called the meeting to order at 11:00 AM. TEROC members and guests introduced themselves.

Dr. Ong outlined the TEROC meeting agenda. TEROC was asked to write a letter of support for Assembly Bill (AB) 320. In the past, TEROC had deferred discussions regarding requests for support until the next scheduled TEROC

Meeting. However, TEROC decided to convene for this special session because TEROC's support for AB 320 was mentioned at the preceding TEROC Meeting.

If time allowed, TEROC decided to also discuss potential support for AB 746, Covered California, and AB 648.

## **2. ASSEMBLY BILL 320 DISCUSSION**

Mr. Lagomarsino, California Department of Education (CDE)/Coordinated School Health and Safety Office (CSHSO) led the discussion regarding AB 320.

Mr. Lagomarsino began by presenting an overview of AB 320. The bill, authored by Assembly Member Adrin Nazararian, would require all school districts, charter schools, and county offices of education to become tobacco-free. The bill also requires "tobacco use is prohibited" signage to be permanently displayed at all entrances to school property. In addition, it would expand the definition of tobacco products to include electronic cigarettes, snuff, chew, and other non-therapeutic nicotine delivery devices.

Dr. Henderson testified on behalf of TEROC at the Assembly Education Committee meeting on Wednesday, March 20, 2013. Dr. Henderson's testimony was brief; he stated that TEROC had not yet taken a position on AB 320, but the provisions are consistent with the 2012-14 TEROC Master Plan, specifically Objective Five, "Prevent the Initiation of Tobacco Use." The objective outlines TEROC's goal to increase the number of tobacco-free schools in California. According to TEROC's Master Plan, all schools should be tobacco-free to protect students, provide peer and adult role models who do not use tobacco, limit youth access to tobacco, and discourage the formation of groups brought together by tobacco use on school grounds and at school events.

Additional testimony was given by the author, the Government Affairs representative from the Department of Education, a high school student from Stockton, a representative from the American Heart Association (AHA), and the American Cancer Society (ACS).

The Education Committee passed the bill. As a result, it continued on to the Assembly Committee on Appropriations. Modifications were made to the bill, including a new basis for allocating funds and including charter schools in the requirement. Modifications were accepted by the author (who is on the committee).

TEROC discussed the financial implications of AB 320:

- Adding charter schools to the bill. CDE explained that there are sufficient funds in the budget to fund all California public schools who apply for Tier One funding, including charter schools. Tier One funds are awarded to all qualified school districts, charter schools, and county offices of education to adopt and enforce tobacco free schools policies. The maximum amount of funding at this level is \$1,500 per year. Agencies receiving Tier One funding are required to use the funds to enforce their tobacco-free policies and to administer the California Healthy Kids Survey on a biennial basis. There may be slight implications for Tier Two funding because there is not enough funding to potentially fund all applicants; however, at this time, there are not enough applicants to cause concern.
  - Dr. Ong suggested that CDE “think outside of the box” in how to obtain funds to achieve comprehensive coverage, so that all Tier Two applicants could potentially receive funding.
- Requiring schools to post signage. The cost of signage will be covered by CDE through its Tier 1 grant program. All school districts, county offices of education, and charter schools are eligible to apply for Tier One funding.
- Increased calls to the California Smoker’s Helpline. Dr. Zhu believes the helpline has the capability to handle a potential increase of calls relating to the bill.

Discussion continued regarding the types of products prohibited on school grounds; conversation centered primarily on e-cigarettes. The bill would currently ban e-cigarettes from school property. If the future status of e-cigarettes were to change, by being labeled as a cessation tool or prescription), legislation would need to be amended at that time.

TEROC discussed the penalty incurred if a smokefree policy was violated. School staff and visitors would be responsible for citing an individual for a violation and the penalty incurred would be determined by the school’s policy.

### **Action Items**

Dr. Ong moved that TEROC write a letter in support of AB 320. Dr. Henderson seconded the motion.

Fr. Kearney suggested TEROC specify in the letter that they would “support if amended” to exclude e-cigarettes from the bill because he believes they could be a potential tool for tobacco cessation. Mr. Wolfe stated that in the context of K-12 education, the use of e-cigarettes as a cessation means has not yet reached a point of practical utility. Studies regarding the possible assistance with cessation using e-nicotine devices have only occurred within adult populations. It is not yet clear if this could be a cessation aid to school

aged youth. However, there has been recent alarm over e-nicotine devices being presented as a new avenue to addiction for youth.

Dr. Zhu moved to amend Dr. Ong's motion so that the letter will explicitly ask for removal of e-cigarettes, as a nicotine delivery device, from AB 320. Ms. Adams-Simms seconded the motion. Motion to amend failed 2-7, abstained by Ms. Adams-Simms.

Members then voted on Dr. Ong's motion that TEROC write a letter in support of AB 320. Dr. Henderson seconded the motion. Motion carried, abstained by Dr. Zhu.

### **3. ASSEMBLY BILL 746 DISCUSSION**

Ms. Amazeen, American Lung Association (ALA) led the discussion on AB 746.

Ms. Amazeen began by presenting a brief overview of AB 746. AB 746 is sponsored by the ALA and authored by Assembly Member Mark Levine. The bill would protect California residents from the harmful effects of secondhand smoke (SHS) by prohibiting smoking in multi-unit housing (MUH), including apartments and condominiums.

ALA is currently asking for letters of support for AB 746. Hawaii and Massachusetts have already passed similar bills. In California, on a local level, there are numerous policies regarding the prohibition of smoking in MUH; the result of this has been overwhelmingly positive.

Dr. Henderson and Dr. Ling pointed out that AB 746 supports Objective Four of the TEROC Master Plan: "Minimize the Impact of Tobacco Use on People and Tobacco Waste on the Environment." The objective specifically outlines TEROC's goal to eliminate SHS exposure, which has been identified by the California Air Resources Board as a toxic air contaminant and the Environmental Protection Agency as a carcinogen.

Ms. Amazeen will provide a policy guidance document regarding e-cigarettes at the TEROC Meeting in May 2013.

#### **Action Item**

Dr. Ling and Dr. Rice moved that TEROC write a letter in support of AB 746. Dr. Henderson seconded the motion. Motion carried unanimously.

#### **4. COVERED CALIFORNIA DISCUSSION**

Dr. Ong presented a two-page recommendation sheet titled, "Recommendations for Reducing Tobacco Use in California Health Plans." The sheet was provided to Covered California as a reference while they develop plans to implement the Affordable Healthcare Act (ACA).

Discussion regarding Covered California will continue at the May 2013 TEROC Meeting.

#### **5. CLOSING COMMENTS**

TEROC discussed how future requests for legislative support should be handled. Members will discuss the issue further at the next scheduled TEROC meeting. In the meantime, members decided to carry on based on past precedent and continue the policy of postponing discussion until the subsequent TEROC meeting.

#### **6. PUBLIC COMMENT**

No Public Comment.

The meeting was adjourned at 12:15 PM.

The next TEROC Meeting will take place on Wednesday, May 22, 2013 in Sacramento, CA.